

Administrative Plan for the 11th Judicial Circuit West

INTRODUCTION

Pursuant to Administrative Order Number 14, Arkansas Supreme Court, and the Per Curiam of January 30, 2003, the sitting judges of the 11th Judicial Circuit West tender for the Arkansas Supreme Court's approval this administrative plan.

This plan used the case filing statistics prepared by the Administrative Office of the Courts for the calendar years 2007 and 2008. The 2008 statistical information has not yet been audited or verified, but the judges believe it to be accurate. However, the judges in this circuit note that while the case filings are the primary determiner of the statistical Divisions, each judge handles many more hearings than are reported to the AOC. The AOC shows filings of 8624 cases in 2007 and 9130 in 2008, creating an average number of cases filed for that two year period of 8877 cases. This results in an average case filing per judge of 1479.5 cases.

One of the goals of this plan is to equalize the caseload using the current information available. We also want to deliver efficient judicial services to the people of the 11th Circuit West. In tailoring this plan, the authors also considered the special circumstances within this judicial circuit, the individual experience of the judges, the types of cases each judge desired to hear, and especially the resources available within this judicial circuit.

PREFERENCE, EXPERIENCE AND RESOURCES

Three of our current judges have never presided over a jury trial, either civil or criminal.

One of our circuit judges has been on the bench less than one year; one circuit judge has been on the bench over five years; one circuit judge has been on the bench over four years; one circuit judge has been on the bench over six years; and two of our judges have been on the bench for over sixteen years. One judge has over sixteen years experience in hearing domestic relations and probate matters. Another judge has six and a half years of experience in hearing domestic relations and probate matters. Both of these judges expressed a desire not to hear any civil or criminal matters. Three circuit judges prefer hearing only civil or criminal matters. One judge had been hearing juvenile case since his election in 2008, and desires to continue hearing juvenile cases exclusively. The other judges in the district have occasionally filled in, and therefore have some knowledge of these matters.

The 11th Judicial Circuit West consists of two counties: Jefferson and Lincoln. The courthouses are in Pine Bluff and Star City, the county seats, and are approximately 26 miles apart. All sitting judges have permanent chambers in Pine Bluff.

The Jefferson County Courthouse has five courtrooms. The two large courtrooms have jury boxes, jury rooms, glassed-in media observation rooms and bailiff offices. These courtrooms are next to the secure elevator used for prisoner transportation and just above the Sheriff's Office for security. The chambers of the two judges who currently try criminal and civil jury trials

surround the jury courtrooms. At the opposite end of the courthouse, approximately 75 feet away, are two smaller courtrooms without jury boxes or additional rooms.

These courtrooms are beside the chambers of the two judges who currently hear domestic relations and probate cases. Additionally, a new jury courtroom has been completed which is close to the chambers of our third circuit judge who hears both civil and criminal cases. A new jury deliberation room has been established inside the Jefferson County Law Library. While this courtroom is less secure for transportation of incarcerated defendants, it does enhance our abilities for each of the three circuit judges to hear and try criminal jury trials. Thus, there are now three jury courtrooms at the courthouse in Pine Bluff.

The Juvenile Justice Center is approximately two blocks east of the courthouse. This Center has an intake and detention center, a nonjury courtroom, the judge's chambers and offices for the approximately 16 Juvenile Court staff members presently hired by the sitting Circuit Judge, Juvenile Division. The Circuit Clerk also maintains offices in this facility as an adjunct Circuit Clerk's office for the processing and maintaining of the juvenile case files and for the filing of any legal pleadings or other documents related to those juvenile case files. The Circuit-Clerk maintains this office daily, and the juvenile court files are located there. In addition, this plan considered the logistical difficulties of transporting juvenile detainees from the secure environment of the Juvenile Justice Center to the courtrooms at the courthouse.

The courthouse in Star City has one large jury box equipped courtroom complete with jury room and a small library/temporary judge's chambers nearby. The six circuit judges and the district

judge share this courtroom. Moreover, the courthouse does not have the space, nor does Lincoln County have the funds, to add additional space for courtrooms.

The offices of the prosecutor, public defender, probation department (Criminal Division of Circuit Court), the child support unit, intake and probation (Juvenile Division of Circuit Court), mental health and the Sheriff's Department do not have the personnel to cover each judge's calendar. Our plan considered these participants as a factor in not having each judge routinely handle every kind of case.

CASE ALLOCATION AND ANTICIPATED WORKLOAD

Recognizing that each judge has the authority to hear, and must be prepared to hear, any type of case, this plan allocates the cases to our six circuit judges based upon the above factors. Accordingly, with the effective date of this plan, the Circuit Clerks will assign all cases in this circuit as follows:

Division	1	2	3	4	5	6
Criminal	43%	23%	0%	0%	34%	0%
Civil	0%	70%	0%	0%	30%	0%
Domestic Relations	0%	0%	50%	50%	*1%	0%
Probate	0%	0%	50%	50%	0%	0%
Juvenile	0%	0%	0%	0%	0%	100%

**Inmate Case Filings*

Moreover, Divisions 3 and 4 handle hundreds of contempt filings related to closed divorce or paternity cases. In addition, Division 6 handles hundreds of DHS case reviews, FINS case reviews and probation reviews. None of these reviews are counted in the statistical reports of the Administrative Office of the Courts. This plan does not reflect these cases since they are not in the statistical analysis, but they are considered as a strong secondary factor in establishing the time and workloads of the various judges.

The 5th Division will specifically be assigned by the Clerks of both counties all criminal charges filed against inmates in either county and all post-conviction inmate filings arising out of those criminal proceedings. In addition, the 5th Division will handle all matters filed by inmates in the judicial district insofar as domestic relations matters are concerned. When a Department of Correction criminal case is assigned to the 5th Division, a case from the 5th Division will be assigned to either 1st or 2nd Division in order to more evenly divide the cases between these three Divisions.

Pursuant to Amendment 80 and the Supreme Court *Per Curium*, Division 1 of Circuit Court (Judge Berlin Jones) has established and is continuing to hear "drug court" cases. All cases wherein a defendant will be participating in the "drug court" program shall be transferred to Division 1. The Clerk of the Court will then ensure that a criminal case chip is removed from Division 1's container and placed into the container for the transferring judge.

The Circuit Clerks will assign all paternity/child support cases randomly to Divisions 3 and 4, including any old cases wherein body attachments might arise even though those cases originated in Divisions 5 or 6. Upon the complete termination of any paternity or child support case in

Lastly, the Circuit Clerk is directed to maintain an accurate and up-to-date recusal and transfer book. The Clerk is directed to note any and all transfers of cases whether due to recusals or civil or criminal transfers from one judge to another in this book. In addition, the Clerk is directed to scrupulously maintain this transfer book, especially in the area of civil case transfers due to conflicts of interest.

DEFENDANTS IN JAIL

This circuit will conduct first appearances, bond hearings, plea and arraignments and Rule 8.1 hearings three times weekly for those defendants arrested and incarcerated in the Jefferson and Lincoln County Detention Centers. Currently, and as part of this plan, the circuit judge of the 5th Division will handle these matters on Mondays; the circuit judge of the 1st Division will handle these matters on Wednesdays; and the circuit judge of the 2nd Division will handle these matters on Fridays. Additionally, all circuit judges will follow their regular schedules for other appearances in Lincoln County and conduct those hearings for the defendants in the Lincoln County Detention Center other than the initial Rule 8.1 hearings.

PERIODIC MEETINGS

The judges of this circuit agree that periodic meetings will be beneficial to the administration of justice and will meet at least quarterly.

RANDOM ASSIGNMENT OF CASES

The Circuit Clerks will use a blind, random selection system for the initial assignment of cases and for assignment after a recusal. Since four Divisions will handle differing percentages of cases in four of the subject matters, the Circuit Clerks will maintain a container for each subject

matter Division except the juvenile Division. The Circuit Clerks may use the present system of chips and containers for each Division if the primary chip container is opaque and closed.

Moreover, the Circuit Clerks must design the original chip container so each chip is released randomly one at a time. Once a chip has been released, it will then be placed into a second container. When a circuit judge recuses in a particular case, the Circuit Clerk will remove a chip representing that judge's Division from the second container and place that chip back into the original chip container. After the chips in the chip container are entirely used, the process will begin again by the Circuit Clerks removing the chips in the chips in the second container and placing those chips back into the original chip container.

The Circuit Clerks will allocate the chips in the original chip container for each subject matter Division as follows:

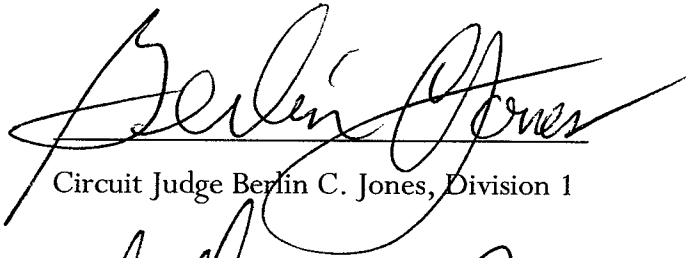
Criminal	Civil	Domestic Relations	Probate
1 st Division – 43 chips	5 th Division – 30 chips	3 rd Division – 50 chips	3 rd Division – 50 chips
2 nd Division – 34 chips	2 nd Division – 70 chips	4 th Division – 50 chips	4 th Division – 50 chips
5 th Division – 23 chips			

In addition, the Clerk will automatically assign all inmates filed matters (herein defined as Writs of Habeas Corpus, Writs of Mandamus, Rule 37 Petition, Petitions for Name Change and Divorce Complaints) to the 5th Division in both Jefferson and Lincoln Counties.

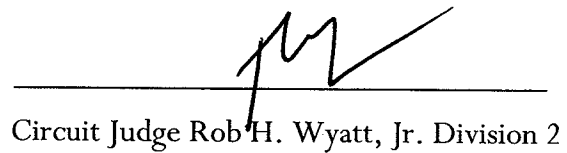
MISCELLANEOUS

The circuit judges of this circuit recognize that any judge may act for another judge in an emergency or under unusual circumstances or may sign routine uncontested matters or orders arising therefrom.

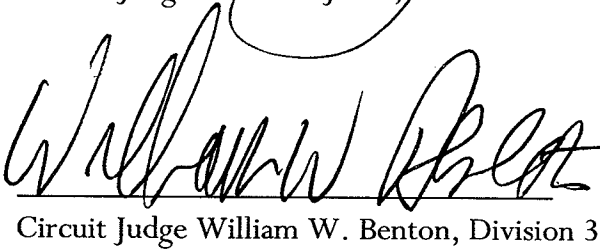
Circuit Judge Berlin C. Jones is the administrative judge. His term expires January 31, 2011. The effective date of this administrative plan is January 1, 2010.



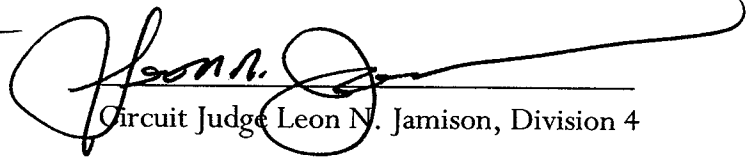
Circuit Judge Berlin C. Jones, Division 1



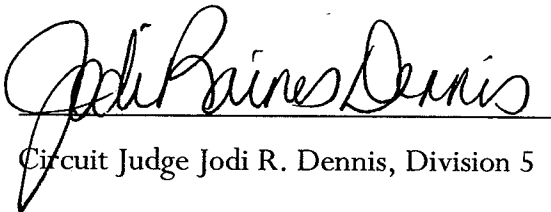
Circuit Judge Rob H. Wyatt, Jr. Division 2



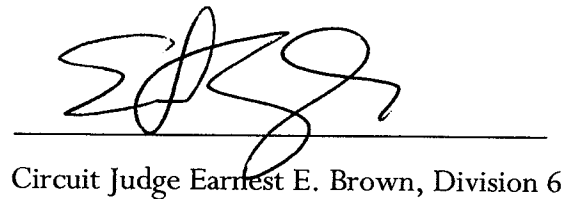
Circuit Judge William W. Benton, Division 3



Circuit Judge Leon N. Jamison, Division 4



Circuit Judge Jodi R. Dennis, Division 5



Circuit Judge Earnest E. Brown, Division 6